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Attorneys for Plaintiff
ORACLE USA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE USA, INC., a Colorado Corporation,

Plaintiff

v.

XL GLOBAL SERVICES, INC., a Delaware
Corporation,

Defendant.

AND RELATED COUNTERCLAIM

Case No.: CV 09-0537 MHP

STIPULATION AND ~~PROPOSED~~ ORDER OF
DISMISSAL WITH PREJUDICE PURSUANT
TO RULE 41(a)

Pursuant to Federal Rule of Civil Procedure 41(a) and the parties' settlement agreement
effective November 18, 2009, the parties, by and through their respective undersigned attorneys,
stipulate as follows:

1 1. The Complaint filed by Oracle USA, Inc., and each and every claim set forth therein,
2 shall be dismissed with prejudice.

3 2. The Counterclaim filed by XL Global Services, Inc., and each and every claim set
4 forth therein, shall be dismissed with prejudice.

5 3. Oracle USA and XL Global Services each waive all rights to recover costs and
6 attorneys' fees from the other party.

7 SO STIPULATED.

8 DATED: December 17, 2009

JAMES A. HUGHES
SULLWOLD & HUGHES

9
10 By: _____/S/
11 James A. Hughes
12 Attorneys for Plaintiff and
13 Counterdefendant
ORACLE USA, INC.

14 DATED: December 17, 2009

SOMMERS & SCHWARTZ LLP

15 By: _____/S/
16 Andrew H. Schwartz
17 Attorneys for Defendant and
18 Counterclaimant
19 XL GLOBAL SERVICES, INC.

20 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the*
21 *signatories' concurrence in the filing of this document has been obtained.*
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ORDER

The parties to this action having so stipulated;

IT IS ORDERED:

(1) The Complaint filed by Oracle USA, Inc. is hereby DISMISSED WITH
PREJUDICE.

(2) The Counterclaim filed by XL Global Services, Inc. is hereby DISMISSED WITH
PREJUDICE.

(3) Each party to this action shall bear its own costs and attorneys' fees.

DATED: 12/18/2009

